

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: August 13, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED ANIMAL SHOOTING 048-19 FOR 8/25/20
CLOSED-SESSION AGENDA

Division	Date	Time	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	10/9/19	5:30 p.m.		
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Officer(s) Involved in Use of Force	Length of Service
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Magana, C./PO II	12 years, 5 months
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Total Involved Officer(s)

2 x PO II

Animal(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Pit Bull dog.

COP Recommendations

Tactics – Administrative Disapproval, Officers Magana and DeLeon Guerrero.

Drawing/Exhibiting – In Policy, No Further Action, Officers Magana and DeLeon Guerrero.

Lethal Use of Force – In Policy, No Further Action, Officer Magana.

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Lethal Use of Force – Same as COP.

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INVESTIGATION

Annotated Force Investigation Division (FID) Incident Summary¹

On Wednesday, October 9, 2019, at 1718:20 hours, Communications Division (CD) broadcast, *"Any Southeast unit, Battery in Progress, 419 East Century Boulevard, on Century between Avalon and Towne, in the gray house. PR hears several females assaulting additional female. Nothing seen, heard only. Code 2. Incident 4548. RD 1823."*

Note: At approximately 1719 hours, comments of the call were upgraded to read, *"No susp description. Heard Only. Coming from the garage,"* However, these comments were not broadcast on Southeast Division Frequency.

Southeast Area uniformed Police Officers II Charlie Magana, Serial No. 38753, passenger, and John DeLeon Guerrero, Serial No. 43085, driver, assigned 18X36, were driving a marked black and white police vehicle, Shop No. 80672, which was equipped with DICVS.² Officers Magana and Guerrero were equipped with Body Worn Video (BWV) cameras that were mounted to their mid-upper torsos.

Note: According to Officer Magana, he and Officer DeLeon Guerrero had worked together approximately five times in the past. According to Officer Magana, officers discussed contact and cover responsibilities at the beginning of their watch.

Due to the officers Code 2 response, their DICVS was not activated.

Officers Magana and DeLeon Guerrero requested CD assign them the radio call.

While enroute to the radio call, at 1721:40 hours, CD broadcast the following additional information, *"18X36, 18X36, your Battery in Progress, 419 East Century boulevard, is*

¹ The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

² Police Officer II Charlie Magana, Male, 36 years of age, 12 years 5 months with the Department. Police Officer II John DeLeon Guerrero, Male, 27 years of age, 2 years 4 months with the Department. Both officers were equipped with their ballistic vest, handcuffs, Hobble Restraint Devices, their Department approved pistols and TASERs model X26P, which were attached to their Sam Browne equipment belts. Officer Guerrero was wearing his Oleoresin Capsicum (OC) spray, Officer Magana was not equipped with OC spray. Both officers were not equipped with their PR-24 side handle batons, which were left inside their vehicle.

an ADW suspect. Multiple suspects versus one person. The PR no longer hears anything coming from garage. Still Code 2. Incident 4548.”³

At approximately 1729 hours, Officers Magana and DeLeon Guerrero parked in front of the location and used their Mobile Digital Computer (MDC) in their police vehicle to place themselves Code-Six.

Officer Magana described the location as a gray duplex residence, with wrought iron fencing around the front side of the property. According to Officers Magana and DeLeon Guerrero, they believed that the residence was vacant and did not observe any evidence of any animals on the premises. There was a wrought iron pedestrian gate on the south east side of the property, which allowed access to a concrete pathway that led to a garage located on the north side of the property. According to Officer Magana, believing that the gate would be locked, he shook it. In doing so, he noted that the gate moved and there was no lock.

Officer Magana reached over the gate, unlatched the securing mechanism and entered, followed by Officer DeLeon Guerrero, leaving the pedestrian gate open. According to Officer Magana, he did not hear any noise, nor see anyone at the location. Officer Magana recalled that the comments indicated the incident was occurring in the garage and proceeded toward the garage area.

Note: According to the officers, they did not announce their presence prior to entering the premises. The investigation determined, by reviewing BWV and surveillance video, that the officers waited approximately seven seconds prior to entering the property.

According to Officers Magana and DeLeon Guerrero, there were no dog bowls, feces or posted signs indicating a dog's presence on the premises.

According to Witness Jeffery Johnson, he was seated inside the living room of his residence, located at 421 East Century Boulevard. Johnson observed the officers open the gate with their guns in their hands and walk north on the walkway without announcing themselves. BWV and surveillance video captured both officers holstered when they entered the premises.

After the officers walked approximately 30 feet into the walkway, the fencing between his property and the incident location, prevented him from observing any further details. According to Johnson, although he did not see the dog, he could hear it barking, while the officers entered the gate.

³ The FID investigation determined that no crime occurred at 419 East Century Boulevard. FID investigators attempted to contact the PR of the 911 call; however, at the time of this report, have not received a reply.

According to Officer Magana, as he walked north on the walkway, he looked toward the east facing windows of the location and observed that the residence was completely empty, and this caused him to believe that nobody lived in the house.

According to Officer Magana, as he walked north on the walkway, he observed a brown pit bull, weighing approximately 70 to 80 pounds, appear from the north side of the residence. Officer Magana stopped on the walkway and once the pit bull looked in his direction, the pit bull also stopped. Officer Magana initially believed that the pit bull was going to be friendly. However, Officer Magana stated that the pit bull then began to growl and, *"it looked vicious,"* as she ran toward him.

Note: According to Officer DeLeon Guerrero, the pit bull weighed approximately 90 to 100 pounds.

In response to the pit bull, Officer Magana began to walk backward, south, to create distance between himself and the pit bull. In describing the dog's demeanor as it ran toward him, Officer Magana stated, *"I just stopped and looked at it and then it began to growl and then that's when I was like, oh, what's going on, and then it just took a full sprint. It had its mouth open. I could see his teeth and it's, it's growling as its coming."*⁴

Note: Officer Magana's Body Worn Video (BWV) captured the dog walking around the northeast corner of the structure and stop for a period of approximately three seconds. Officer Magana was positioned approximately twenty feet south of the corner in the middle of the concrete walkway. Officer DeLeon Guerrero positioned himself to the right of Officer Magana and approximately five feet behind him.

Meanwhile, upon seeing the pit bull, Officer DeLeon Guerrero turned and ran south on the walkway, toward the sidewalk. According to Officer DeLeon Guerrero, he believed that Officer Magana was also running behind him.

Officer Magana continued to walk backward and unholstered his pistol, which he held in his right hand. Officer Magana estimated his distance from the pit bull, at this point, to be approximately ten feet.

Note: During his interview, Officer Magana cited a prior incident when he was bitten by a dog on duty. The incident occurred in Mission Division on May 11, 2013, under DR No. 1319-00861.

The pit bull continued toward Officer Magana, who fully extended his right arm, aimed his pistol downward at the pit bull's head and body area and discharged one round, from a distance of approximately five feet, as he continued to backpedal, south, on the walkway. According to Officer Magana, *"And so my initial -- my thought was just get out*

⁴ Magana, Page 15, Lines 15-19.

*of that yard. And then when it closed that distance I -- I was scared. I thought this dog was going to chew me up so I -- that's why I drew my weapon and fired.”*⁵

Officer Magana assessed that the round did not appear to have any effect on the pit bull as she continued to charge him. In describing the dog's demeanor, Officer Magana stated, *“It was still charging and I could see that its mouth open so I could see all his teeth and he was like growling, make like a low barking hard growl sound so.”*⁶

As Officer Magana continued to walk backward, he kept his right arm fully extended, aimed his pistol at the pit bull's head and body, and discharged a second round from approximately three feet. The second round struck the pit bull above her right eye, which caused the dog to stop, fall and roll over on the ground next to the wooden fencing, where it remained.

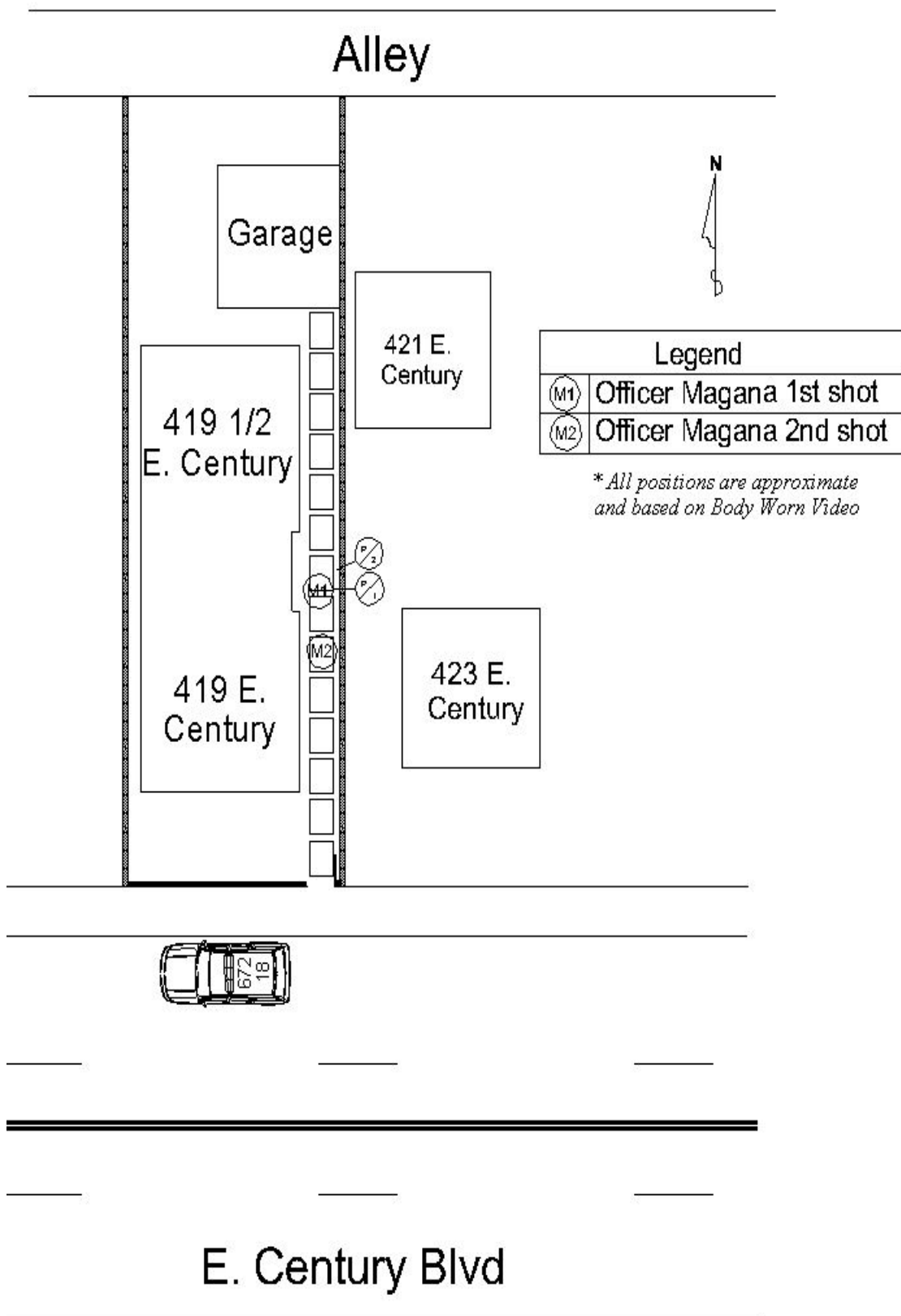
Note: According to Officer DeLeon Guerrero, there was no pause between the two gunshots.

The investigation determined that from the time the pit bull appeared, to Officer Magana discharging his two rounds, the length of the encounter was approximately five seconds. During the incident, Officer Magana was holding his flashlight in his left hand. According to Officer Magana, immediately after he fired his second round, he activated his BWV camera.

[This section intentionally left blank.]

⁵ *Id.*, Page 23, Lines 6-9.

⁶ *Id.*, Page 32, Lines 3-6.



According to Officer DeLeon Guerrero, at the time he heard Officer Magana's two shots, he was running toward the gate. Upon reaching the gate, Officer DeLeon Guerrero unholstered his pistol with his right hand as he opened the pedestrian gate with his left hand.

Note: On 00:30:39 hours of Officer DeLeon Guerrero's BWV, it appeared that he had his right index finger on the trigger of his pistol as he closed the pedestrian gate. Additionally, it appeared that Officer DeLeon Guerrero covered his left hand with the muzzle of his pistol.

Officer Magana held his pistol in a low ready position, toward the pit bull, as he continued to walk backward until he reached the north east corner of the structure. Officer Magana then holstered his pistol. Officer Magana continued to walk backward until he reached the sidewalk.



Officer Magana BWV

At 17:30:40 hours, Officer DeLeon Guerrero broadcast, "*18X36, shots fired.*" In response, CD upgraded the response to a help call. At 17:32:00 hours, Officer DeLeon Guerrero broadcast, "*X36, be advised it's a dog only.*" As the occupants of 419 and 419 ½ East Century Boulevard began to exit the house through the front and back doors, additional Southeast Area uniformed personnel arrived at scene.

Investigators located video surveillance at 418 East Century Boulevard. The video captured the officers' arrival and encounter with the dog. The video did not capture the OIS.

At 17:32:40 hours, Southeast Patrol Division uniformed Sergeant I Jennifer Cohen, Serial No. 38352, Unit 18L130, was the first supervisor to arrive at scene and identified herself as the Incident Commander. Sergeant Cohen separated Officers Magana and DeLeon Guerrero and directed Southeast Patrol Division uniformed Sergeants I Brodie Seagrave, Serial No. 33636, Unit 18L120, and Robin Simmons, Serial No. 38818, to obtain a Public Safety Statements (PSS) from Officers Guerrero and Magana,

respectively, and admonished them not to speak about the incident. No officers or civilians were injured during the incident.

At approximately 1818 hours, the Department Operations Center (DOC) was notified of the Officer Involved Shooting-Animal incident.

Force Investigation Division (FID) Detectives II Jennifer Kim, Serial No. 36639, Joseph Vasquez, Serial No. 35412, Paul Bowser, Serial No. 35842, and Detective III Robert Solorza, Serial No. 27733, responded to the scene. Detective Kim was the first FID personnel to arrive, and reviewed the circumstances surrounding the supervisor's ordered separation, monitoring and admonition not to discuss the incident prior to being interviewed by FID investigators.

Technical Investigation Division (TID) Photographer III Robert Stichal, Serial No. N1962, responded and photographed the scene, evidence collected, and the involved officer, under D No. 0770991. TID Photographer III Gregory Baker, Serial No. N5831, responded and photographed the injuries to the dog. These photographs are stored under D No. 0770601.

Officer Magana was armed with his Department-authorized M&P 9mm, Model MMP, semiautomatic pistol. The capacity of the weapon, when fully loaded, is 17 rounds in the magazine and one round in the chamber for a total of 18 rounds. According to Officer Magana, the pistol was loaded to capacity with 18 rounds of Department-approved ammunition at the time of the OIS.

On October 9, 2019, Detective Kim conducted a post incident weapon inspection of Officer Magana's pistol. Detective Kim determined there was one round in the firing chamber and 15 rounds in the magazine, for a total of 16 rounds. This information was consistent with the physical evidence indicating that Officer Magana discharged two rounds during the incident.

Detective Kim ordered Officer Magana to transport his pistol to the Department armory for test fire on his next working day.

Investigators conducted a canvass of the area for witnesses and completed two interviews and two heard only reports. Detectives Kim and Vasquez processed and collected the spent cartridge cases at scene. The evidence recovered was documented on a property report under DR No. 1918-21309. No fired bullet or bullet fragment was recovered from the scene.

The dog in this incident was described as four to five years of age, female brown mixed breed, approximately 53 pounds, with the name of "Lola." Department of Animal Services Lieutenant Rodriguez, Serial No. 067, verified Lola had no prior reports or incidents on file, and was registered via chip as Animal ID No. K19-049707, with an owner on file as Annette McBean.

Note: Animal Regulation classified the dog as mixed breed, however, Basil Goss described Lola as a pit-bull dog, with multiple nicknames of Lila, Big Girl and Lilly.

According to Witness Basil Goss, the pit bull belonged to his girlfriend Annette Carol McBean. At the time of the FID investigation, adult witnesses Annette McBean, Ann Marie McBean, Angela McBean had left the scene; however, they returned later that evening and declined to be interviewed. According to Annette McBean, she was showering in the second-floor bathroom inside 419 ½ and did not hear or see the incident. Goss and McBean did not consent to formal interviews of their minor children; however, investigators verified their locations at the time of the incident and confirmed they did not witness the OIS. Investigators were able to ascertain where the following people were inside the house at the time of the OIS-Animal Shooting: Basil Goss, Trishell Goss, age 6, Cameron Benton, age 9 and Sachelle Goss, age 11, were inside the kitchen located on the north side of the structure. Shydee McBean, age 12, Kareen William, age 18, and Timmanie Hazel, age 15, were in their upstairs bedrooms, in the north side of the structure. Deshawn Freeman, age 13, was in his upstairs bedroom, in the south side of the structure, and exited out the front door after the OIS-Animal Shooting.

According to the children and Basil Goss, they brought out towels and used them on their dog for compression on her wound. Basil Goss carried the dog to an awaiting black and white police vehicle. Southeast Patrol Division uniformed Police Officer III Andrew Jenkins, Serial No. 40039, and Police Officer II Matt Bryant, Serial No. 41242, transported the pit bull to The City of Los Angeles, Department of Animal Services, South Los Angeles Kennel for medical attention.

Animal Control Services transported Lola to Affordable Vet Clinic Animal Hospital in the City of Torrance for surgery. Veterinarian Doctor Elsa Dany treated Lola for a gunshot wound to her right orbital, above the eye. According to Doctor Dany, the bullet shattered the bone of the orbital and fragments of the bullet had to be removed. There did not appear to be an exit wound and the fragments were discarded. Doctor Dany opined that Lola would make a full recovery without sight damage. City of Los Angeles Animal Services Incident No. A1902372 was generated.

Issues and Concerns

The investigation revealed the following issues and concerns. Office of Operations Director Chief Robert Arcos was notified by FID Captain III Al Pasos.

In reviewing Officers Magana and DeLeon Guerrero's BWV, both officers activated their respective BWVs after the OIS-Animal Incident. The OIS-Animal Incident was captured during the two-minute playback without audio. According to Officer Magana, he forgot to turn his BWV on, and realized it was not on after his OIS. According to Officer DeLeon Guerrero, once he observed that the property appeared vacant, he didn't

believe that there was an actual investigation to conduct at that time; therefore, he did not activate his BWV.

Officer Magana was not equipped with his Oleoresin Capsicum (OC) canister at the time of the incident. According to Officer Magana, his OC holder had previously been ripped off his belt, and he was in the process of replacing it. On October 9, 2019, Southeast Lieutenant Stephen Winter, Serial No. 32329, was notified of the issue, and Officer Magana was issued a new OC holder the following day. Additionally, neither Officers Magana or DeLeon Guerrero were equipped with their PR-24 side handle batons. According to Officers Magana and DeLeon Guerrero, they each left their respective PR-24 side handle batons inside their vehicle.

The Department Operations Center (DOC) was notified by Southeast Sergeant II James Linder, Serial No. 33254 of the OIS-Animal Incident at approximately 1818 hours; however, the incident occurred at 1730 hours. Additionally, Sergeant Linder's Watch Commander logs did not include the names of the supervisors who separated and monitored the officers.

Supplemental FID Report⁷

Although it was documented in the summary of the investigation that Officer Magana was equipped with Body Worn Video (BWV), it should also be noted in footnote No one on page seven of the original summary that he was equipped with BWV.

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⁷ On May 18, 2020, the Commanding Officer, FID, issued a supplemental report regarding this case.

CHIEF OF POLICE REPORT⁸

Chief of Police Findings

Tactics – Administrative Disapproval, Officers Magana and DeLeon Guerrero.

Drawing/Exhibiting – In Policy, No Further Action, Officers Magana and DeLeon Guerrero.

Lethal Use of Force – In Policy, No Further Action, Officer Magana.

Chief of Police Analysis

Detention

- Does Not Apply.

Tactics

- Department policy relative to a Tactical Debrief is: *“The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.”*

Department policy relative to Administrative Disapproval is: *“A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training” (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*

⁸ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – According to Officers Magana and DeLeon Guerrero, they had worked together approximately four to five times in the past and had discussed numerous tactical scenarios including, pedestrian stops, traffic stops, contact and cover roles, lethal and non-lethal designations, as well as communications and the availability of additional resources. Officer Magana stated their plan was for Officer Magana to make contact with the individuals at scene and if additional units or a back-up were needed once they got to the rear of the location, they would request it. According to Officer DeLeon Guerrero, after receiving the radio call, Officer Magana advised Officer DeLeon Guerrero that he (Officer Magana) would be the contact and less-lethal officer and Officer DeLeon Guerrero would be the cover and lethal officer.

In addition, Officer Magana was not in possession of his OC spray and neither Officer Magana nor Officer DeLeon Guerrero were in possession of their PR-24 side handle batons, which were left inside the police vehicle.

The UOFRB concluded, and the Chief concurred, that while Officers Magana and DeLeon Guerrero had prior experience working with each other and had tactical discussions, each radio call and patrol situation merits its own discussion and individual plan on how to best address the incident. The officers plan to arrive on the scene, make contact, and develop a tactical plan from there, lacked depth and detail, forcing the officers to be reactionary as opposed to taking action and controlling the scene. The UOFRB noted that a proper plan includes being in possession of all equipment necessary to accomplish a task. Officers Magana and DeLeon Guerrero's lack of required equipment limited their planning and accessibility to their batons and OC spray, which may have proved effective against the dog and provided additional options in dealing with the incident. The Chief would have preferred Officers Magana and DeLeon Guerrero have been in possession of their required patrol equipment and had developed a more robust plan prior to arriving to this incident.

Assessment – When Officers Magana and DeLeon Guerrero arrived on scene, they parked their police vehicle directly in front of the location of an ADW radio call. They approached the location and made multiple assessments regarding the property and the residence, noting the residence to be newly renovated with new hard wood floors, a lack of furniture, and no curtains on the windows. The officers also assessed the property had no vehicles on the driveway, no presence of an animal

kennel, no food and/or watering dishes, and an absence of animal waste on the ground. These assessments led the officers to assume the residence was vacant and the property was free of animals.

As the dog emerged and made its presence known to Officers Magana and DeLeon Guerrero, the officers assessed the danger the dog posed to them. Officer DeLeon Guerrero turned and redeployed by leaving the property and behind the pedestrian gate while Officer Magana attempted to redeploy by walking slowly backward and away from the dog. Officer Magana assessed that the first round had no effect on the dog and discharged a second round. Officer Magana re-assessed that the dog was no longer a threat to him and ceased firing his service pistol.

As additional personnel arrived on scene, the owner of the dog was given the option of transporting the dog to a veterinary hospital for medical attention. The owner, however, declined to transport the dog. In assessing the dog's need for medical attention, the dog was loaded into a black and white police vehicle and transported for medical attention.

The UOFRB noted, and the Chief concurred, that Officers Magana and DeLeon Guerrero made multiple observations and assessments throughout the incident. However, Officer DeLeon Guerrero chose to park their police vehicle directly in front of an ADW radio call location. His partner, Officer Magana, also had the ability and responsibility to assess their police vehicle's placement given that while enroute to their call, the call was updated to an ADW from a battery. Officer Magana did not communicate with Officer DeLeon Guerrero to re-position their police vehicle and park it in a more tactically advantageous location.

The UOFRB concluded, and the Chief concurred, that while Officers Magana and DeLeon Guerrero utilized their keen observation skills and assessed many different aspects of the property and residence, they incorrectly made the assumption that the property was vacant and approached the radio call with a sense of complacency, even though the comments indicated that the issue of concern was to the rear of the location. When the dog appeared, Officers Magana and DeLeon Guerrero assessed the threat and attempted to redeploy but did not communicate with each other. Officer DeLeon Guerrero turned his back to the threat and ran towards the gate, leaving Officer Magana to deal with the threat alone. Officer Magana made the assessment that he was too close to the threat and slowly backed away while continuing to face the threat. Upon discharging his service pistol, Officer Magana assessed that his first round had no effect on the dog and after a second discharge from his service pistol, assessed that the dog was no longer a threat and discontinued his use of lethal force. The UOFRB would have preferred that both officers communicated their assessments and remained together to address the threat as a unified unit being guided by the principals set forth in Use of Force - Tactics Directive, Dog Encounters, dated September 2014.

The UOFRB noted that while transporting a wounded animal by Department personnel was prohibited by Department policy in animal shootings, the care and

compassion shown by Department personnel at the scene was highly commendable, de-escalated the incident, and outlined our core function and belief of the Reverence for Life; not only human life but for all living beings, even when the dog's owner chose not to care for the dog.⁹

Time – Officers Magana and DeLeon Guerrero were afforded some time while enroute to the radio call to create a more robust tactical plan. As there was no real exigency, officers also had the time to readjust their parking location after they realized they parked their police vehicle directly in front of the radio call location. Additionally, officers were afforded with time to activate their Body Worn Video and gather their additional required equipment from their police vehicle prior to initiating their investigation. Once the dog emerged and was identified as a threat, Officers Magana and DeLeon Guerrero attempted to redeploy by utilizing distance and attempting to obtain cover to afford the officers additional time to manage the threat; however, the dog charged the officers reducing the distance and time officers needed to redeploy to safety and consider other tactical options.

The UOFRB concluded that Officers Magana and DeLeon Guerrero were faced with no exigency in responding to the radio call and were afforded with time to develop a more detailed and comprehensive tactical plan. The Chief would have preferred these officers utilize the time provided to have properly equipped themselves by having their required equipment on them, formulating a solid tactical plan, and activating their BWV systems.

Redeployment and/or Containment – When the dog emerged from the corner of the property, Officer DeLeon Guerrero, believing Officer Magana was behind him, turned and ran from the dog in order to create distance between himself and the threat. Officer Magana attempted to slowly back away from the dog to create distance while continuing to assess and face the threat.

The UOFRB noted that Officers Magana and DeLeon Guerrero attempted to redeploy away from the dog in order to avoid serious bodily injury and the use of lethal force; however, the officers used two very different methods. Officer Magana used the tactics of maintaining his composure and facing the dog without making any sudden movements to excite the dog and provoke a reaction. Officer DeLeon Guerrero, on the other hand, turned his back on the dog and exposed his back to the threat, and in doing so, left Officer Magana to deal with the potentially deadly threat on his own.¹⁰ The UOFRB was critical of Officer DeLeon Guerrero's decision to leave Officer Magana and the Chief concurred with that assessment. The Chief would have preferred that Officer DeLeon Guerrero communicated his intentions

⁹ "Animal Shootings," LAPD Manual, Volume 4, Section 204.80.

¹⁰ Use of Force - Tactics Directive, Dog Encounters, September 2014, states "Never turn your back on a dog."

with Officer Magana and had both officers redeploy as quickly as possible from the threat or remain together and deal with the threat as a tactical team.

Other Resources – As Officers Magana and DeLeon Guerrero arrived on scene they proceeded to investigate the radio call without their side handle batons, which were left in their police vehicle. Officer Magana did not have his OC spray on his Sam Browne police utility belt. At the direction of his partner, Officer DeLeon Guerrero advised CD that shots had been fired but did not repeat their location or upgrade the incident to a Help call. Communications Division upgraded this incident to a Help call. Moments later, as resources were responding, Officer DeLeon Guerrero provided additional information that the shooting involved an animal. In this case, neither Officer Magana nor Officer DeLeon Guerrero activated their BWV systems.

The UOFRB pointed out that Officers Magana and DeLeon Guerrero lack of required equipment highlighted their complacency during this incident and the Chief concurred. The Chief would have preferred the officers had the required batons and OC spray on them as additional options to de-escalate a situation. The officers lack of BWV activation in this incident was not only a violation of current policy but limited investigators efforts in obtaining information that would have supported the officers' assessments.

Lines of Communication – According to Officers Magana and DeLeon Guerrero, they had previously discussed tactical scenarios including, pedestrian stops, traffic stops, contact and cover roles, lethal and non-lethal designations, as well as communications and the availability of additional resources. In this call, their plan was for Officer Magana to make contact with the individuals at scene and if additional units or a back-up was needed, they would develop a tactical plan from there. According to Officer DeLeon Guerrero, after receiving the radio call, Officer Magana advised Officer DeLeon Guerrero that he (Officer Magana) would be the contact and less-lethal officer and Officer DeLeon Guerrero would be the cover and lethal officer.

As the dog emerged from the northwest corner of the property, neither Officers Magana or DeLeon Guerrero communicated with each other their observations or a plan, resulting in Officer DeLeon Guerrero turning and running from the threat, which left Officer Magana to face the dog alone. At the direction of his partner, Officer DeLeon Guerrero advised CD that shots had been fired, and moments later, after CD upgraded the incident to a Help call, Officer DeLeon Guerrero advised responding units that the shooting involved an animal.

The UOFRB noted that while Officers Magana and DeLeon Guerrero had prior conversations regarding tactical plans and designations, they did not communicate a specific tactical plan with regard to this radio call. The UOFRB was critical of the officers' lack of communication with each other as the dog emerged and presented itself as a threat. This communication deficiency led to Officer Magana facing a

potentially deadly threat alone and without the assistance of Officer DeLeon Guerrero.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Tactical Communication/Tactical Planning (Substantial Deviation, without justification – Officers Magana and DeLeon Guerrero)

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training Learning, Domain No. 22) Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Officers Magana and DeLeon Guerrero had held previous discussions regarding tactical situations and assigned designations of contact and cover roles, as well as lethal and less-lethal delineations. While enroute to the radio call, the officers limited plan consisted of making contact with individuals from the radio call and formulating a tactical plan from the information they received, which included the request for additional resources should the need arise.

As Officers Magana and DeLeon Guerrero arrived on scene, Officer DeLeon Guerrero parked their police vehicle on the street, directly in front of the radio call location. As Officers Magana and DeLeon Guerrero exited their police vehicle they left their side handle batons inside the police vehicle and proceeded to investigate the radio call. In addition, Officer Magana was not equipped with OC spray and neither officer activated their BWV systems, indicating a level of complacency.

Officers Magana and DeLeon Guerrero assessed and approached the scene. The officers did make some notable observations initially but didn't appear to discuss their assessments. As the officers proceeded to the rear of the property toward the garage area, as indicated in the radio call, a dog emerged from the exterior northeast corner of the residence. Officer DeLeon Guerrero turned his back on a significant threat that could have resulted in serious bodily injury or death to himself and his partner. Officer DeLeon Guerrero fled in a southerly direction, leaving Officer Magana to deal with the threat alone. Neither Officers Magana nor DeLeon Guerrero communicated their plans for re-deployment.

In this case, Officers Magana and DeLeon Guerrero had the availability of time to formulate a tactical plan prior to their arrival. In addition, Officers Magana and DeLeon Guerrero had the responsibility to have all their required equipment as they exited their police vehicle. Furthermore, the Los Angeles Police Department strategically deploys two-person patrol units to work together to communicate,

strategize, and operate as a team during daily patrol functions with the purpose of confronting issues together. Officers Magana and DeLeon Guerrero's lack of communication with each other, and Officer DeLeon Guerrero leaving Officer Magana to deal with the threat alone was deliberated with great concern.

The UOFRB concluded that in analyzing this incident, it was not one slight deviation but a culmination of missteps throughout the entire incident that caused concern. The totality of the circumstances of this OIS were taken into consideration as to the reasonableness, as well as the uncertainty that patrol officers can encounter. The Chief would have preferred Officers Magana and DeLeon Guerrero had developed a more detailed plan prior to their arrival and had all of their necessary equipment with them prior to their start of watch. Furthermore, the Chief would have preferred Officers Magana and DeLeon Guerrero had an open conversation with each other throughout the entirety of the incident and functioned as a team in dealing with the threat.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Magana and DeLeon Guerrero's actions were a substantial deviation, without justification, from approved Department tactical training. The Chief will direct that these issues will be topics of discussion during the tactical debrief.

Debriefing Point No. 2 Basic Firearm Safety Rules (Substantial Deviation, without justification – Officer DeLeon Guerrero)

Firearms safety is a critical component of officer safety. Officers must have the ability to safely draw, holster, manipulate and shoot their weapons at all times, especially when involved in a stressful situation.

Firearms safety rules have been established based upon real life situations and are applicable at all times; in the field, on the range, and at home. Violations of any of the firearms safety rules can result in possible injury or death. Therefore, violations of the firearms safety rules may result in disciplinary action up to and including termination.

The Four Basic Firearm Safety Rules

1. *All guns are always loaded.*
2. *Never allow the muzzle to cover anything you are not willing to shoot.*
3. *Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot.*
4. *Be sure of your target (Los Angeles Police Department Basic Firearms Manual, Chapter 1)*

Officers are required to know and apply the Four Basic Firearm Safety Rules throughout their careers. These rules must be ingrained into an officer's natural thought process and become second nature. Any violation of the Four Basic

Firearm Safety Rules may result in the unintentional discharge of a round. This is a serious matter with the potential of having tragic results.

The FID investigation revealed that as Officer Magana was engaged in the OIS, Officer DeLeon Guerrero redeployed to the sidewalk behind the front entrance gate, where he unholstered and drew his service pistol. As he did so, Officer DeLeon Guerrero placed his finger on the trigger, and appeared to cover his left hand with the barrel of his service pistol while Officer Magana was downrange between Officer DeLeon Guerrero and the dog in violation of the Basic Firearm Safety Rules.

The UOFRB noted that adherence to the Basic Firearm Safety Rules is of the utmost importance and a requisite component of officer safety. Officer DeLeon Guerrero unnecessarily placed his finger on the trigger of his service pistol and did not have a clear background.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer DeLeon Guerrero's actions were a substantial deviation, without justification, from approved Department tactical training. The Chief directed this to be a topic of discussion during the tactical debrief.

During the review of this incident, the following Additional Debriefing Topics were noted:

Additional Tactical Debrief Topics

- **Protocols Subsequent to a Categorical Use of Force** – Goss, one of the dog's owners refused to transport or care for the dog's injury, placing the onus on the officers. Officers A. Jenkins, Serial No. 40039, and M. Bryant, Serial No. 41242, SOE Patrol Division, transported the dog to City of Los Angeles, Department of Animal Services, South Los Angeles Kennel, for medical attention. The UOFRB noted that while Department personnel deviated from Department policy in the transportation of a wounded animal, the reverence for the dog's life was commendable and the actions taken by the involved personnel to de-escalate the situation by doing so should be noted. The Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Single-Handed Shooting** – Officer Magana held his service pistol in his right hand, utilizing a single-handed grip, while holding his flashlight in his left hand as he discharged two rounds from his service pistol. Officer Magana is reminded the importance of utilizing a two-handed grip when discharging his service pistol for precision and accuracy. To enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Radio Codes and Procedures** – At the prompting of his partner who had just been in an OIS, Officer DeLeon Guerrero advised CD that shots had been fired but did not repeat their location or upgrade the incident to a "Help call." Communications Division upgraded this incident to a "Help call." Moments later, as resources were

responding, Officer DeLeon Guerrero provided additional information that the shooting involved an animal. The officers were faced with an incident that could have resulted in serious bodily injury or death and in fact, did result in lethal force being used. The need for disseminating pertinent information to responding resources and requesting the appropriate level of assistance is essential to officer safety and management of an OIS incident.

- **Command and Control**

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (LAPD, Training Bulletin, Volume XLVII Issue 4, July 2018).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

Sergeant Cohen was the first supervisor to arrive on scene and as such, declared herself as Incident Commander. Sergeant Cohen separated and monitored Officers Magana and DeLeon Guerrero until Sergeants Seagrave and Simmons arrived on scene to assist in the separation and monitoring of the Officers Magana and DeLeon Guerrero. Sergeant Cohen communicated with the dog's owners and managed arriving resources until relieved by the FID investigators.

Sergeant Simmons arrived on scene and assumed the responsibility of monitoring Officer Magana. Sergeant Simmons obtained Officer Magana's PSS and transported Officer Magana to Southeast Area Community Police Station (SOE CPS) where Sergeant Simmons continued to monitor Officer Magana. Sergeant

Simmons recovered Officer Magana's BWV and DICVS remote and provided the BWV and DICVS to Sergeant Linder.

Sergeant Seagrave arrived on scene and assumed the responsibility of monitoring Officer DeLeon Guerrero. Sergeant Seagrave obtained Officer DeLeon Guerrero's PSS and transported Officer DeLeon Guerrero to SOE CPS where he continued to monitor Officer DeLeon Guerrero. Sergeant Seagrave recovered Officer DeLeon Guerrero's BWV and DICVS remote and provided the BWV and DICV to Sergeant Linder.

Sergeant A. Moody, Serial No. 32390, SOE Patrol Division, assisted in the monitoring of Officer Magana.

Sergeant Linder notified the DOC and FID of the OIS incident involving an animal and collected Officers Magana and DeLeon Guerrero's BWV and DICVS from Sergeants Simmons and Seagrave respectively.

The actions of Sergeants Linder, Moody, Seagrave, Simmons, and Cohen were consistent with Department supervisory training and met the Chief's expectations of a field supervisor during a critical incident.

Tactical Debrief

- Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for involved personnel to discuss individual actions that took place during this incident.

Therefore, the Chief directed Officers Magana and DeLeon Guerrero to attend a Tactical Debrief that shall include discussions pertaining to the above Debriefing Topics along with the following mandatory topics:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On November 11, 2019, Officer Magana attended a GTU. All mandatory topics were covered.

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified”* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

Officer Magana

According to Officer Magana, he observed a Pit Bull, weighing approximately 70 to 80 pounds, appear from around the corner of the residence. The dog looked in Officer Magana’s direction and stopped. Officer Magana initially believed that the dog was going to be friendly; however, the dog began growling, showing its teeth, and looked vicious. In response, Officer Magana attempted to redeploy and gain some distance from the dog by walking backward in a southerly direction, but the dog charged at him. Officer Magana became scared and drew his service pistol from an approximate distance of 10 feet, which Officer Magana held in his right hand, because he believed the dog was going to bite him.

Officer Magana recalled, *I observed a Pit Bull dog around the corner from the rear. I first looked at it. It stared at me. I stopped. It began growling and once it did that, I began taking a couple steps back and then it just charged at me. I just could see the mouth wide open like it was ready to bite me. I was scared.*¹¹

*Maybe 70, 80 pound.*¹² *I believe it’s when I started backpedaling and I saw the -- as the dog got really close to me that’s when I unholstered and I...*¹³ *And so, I just stopped and looked at it and then it began to growl and then that’s when I was like, oh, what’s going on, and then it just took a full sprint. It had its mouth wide open. I could see its teeth and it’s -- it’s growling as it’s coming. And like I don’t know if it’s a growl or a low bark but I could hear it so that’s when I immediately started backing up as it’s getting closer...I thought it was going to bite me and I unholstered...*¹⁴ *Maybe about 10 feet at that point.*¹⁵

Officer DeLeon Guerrero

According to Officer DeLeon Guerrero, he and Officer Magana were approximately mid-building, when Officer DeLeon Guerrero observed an approximately 90 to 100-

¹¹ Magana, Page 6, Lines 14-20.

¹² *Id.*, Page 30, Line 24.

¹³ *Id.*, Page 13, Lines 1-3.

¹⁴ *Id.*, Page 15, Lines 15-24.

¹⁵ *Id.*, Page 18, Lines 4.

pound Pit Bull. Officer DeLeon Guerrero observed the dog began to growl, show its teeth, and take a stance as if it were going to charge at him and Officer Magana. Officer DeLeon Guerrero quickly turned around and sprinted towards the front gate. As he was doing so, Officer DeLeon Guerrero could hear the pitter patter of the dog's paws on the concrete, indicating to him that the dog was charging at them. According to Officer DeLeon Guerrero, he believed Officer Magana was running behind him. As Officer DeLeon Guerrero was running towards the gate, he heard Officer Magana discharge two rounds from his service pistol. After Officer DeLeon Guerrero exited the pedestrian gate, Officer DeLeon Guerrero drew his service pistol because he had heard Officer Magana discharge his service pistol and believed the dog was an immediate threat of death or serious bodily injury to Officer Magana.

Officer DeLeon Guerrero recalled, *As we were walking mid-building I observe a brown Pit Bull breed approximately 90 to 100 pounds. Pit Bull immediately stopped, took a -- took a stance as if it were to charge at us. It immediately started growling. I saw -- I saw it showing its teeth. There was a bit of drool. At this point in time, I quickly I looked and turned around and started sprinting back towards the -- the gate, the front gate. Initially, I thought my partner would be behind me and the well. I could hear the -- the pitter patter of the paws on the con -- on the concrete indicating that the dog was -- was charging at us.*¹⁶

*I -- I unholstered because I saw -- I -- I heard the shots. I want -- I just wanted to indicate the dog was still or whether the threat was -- the dog was down.*¹⁷ *I felt that it was a -- it was going to be an immediate threat of death or serious bodily injury to my partner because of the dog.*¹⁸ *The dog was -- the only actions that I observed was the dog growling showing its teeth, getting into a stance like it was getting ready to run at us.*¹⁹

In this case, the UOFRB conducted a thorough evaluation of the reasonableness of Officers Magana and DeLeon Guerrero's Drawing/Exhibiting. The UOFRB noted that Officers Magana and DeLeon Guerrero responded to a radio call of an ADW that escalated when a large dog appeared on the property and charged at them while growling and bearing its teeth, causing Officers Magana and DeLeon Guerrero to fear for their safety. In response, officers drew their service pistols to protect themselves and others from the immediate threat of serious bodily injury or death.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Magana and DeLeon Guerrero, while faced with similar circumstances, would reasonably

¹⁶ DeLeon Guerrero, Page 8, Lines 7-17.

¹⁷ *Id.*, Page 16, Lines 19-22.

¹⁸ *Id.*, Page 17. Lines 1-3.

¹⁹ *Id.*, Page 27, Lines 8-11.

believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Magana and DeLeon Guerrero Drawing/Exhibiting to be In-Policy, No Further Action.

Use of Force – General

- *It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

The seriousness of the crime or suspected offense;

- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)

Lethal Use of Force²⁰

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No.1, Section 556.10).

Officer Magana – 9mm, two rounds, in a downward and northerly direction from a decreasing distance of approximately five feet to three feet.

According to Officer Magana, he observed the dog growling and showing its teeth as it charged towards Officer Magana in a full sprint. Believing the dog was going to chew him up, Officer Magana fully extended his right arm and fired one round from his service pistol, from an approximate distance of five feet, towards the dog's head and body. Upon assessing that the first round had no effect on the dog and the dog was still charging at Officer Magana with its mouth open while emitting a low barking hard growl, Officer Magana fired a second round from his service pistol from an approximate distance of three feet. Officer Magana aimed at the dog's head and body with his fully extended right arm and the second round struck the dog above the right eye, causing the dog to collapse to the ground.

Officer Magana recalled, *And so, I just stopped and looked at it and then it began to growl and then that's when I was like, oh, what's going on, and then it just took a full sprint. It had its mouth wide open. I could see its teeth and it's -- it's growling as it's coming. And like I don't know if it's a growl or a low bark, but I could hear it so that's when I immediately started backing up as it's getting closer. And then when it got three to six feet I -- I thought it was going to bite me and I unholstered and I fire two rounds.*²¹

²⁰ Los Angeles Police Department Manual, Volume No.1, Section 556.10

²¹ Magana, Page 15, Lines 15-24.

*And so, my initial -- my thought was just get out of the yard. And then when it closed that distance I -- I was scared. I thought this dog was going to chew me up so I -- that's why I drew my weapon and fired.*²²

*I thought he was going to bite me.*²³ *It was still charging and I could see that its mouth open so I could see all his teeth and he was like growling, making like a low barking hard growl sound so.*²⁴ *Oh this dog would have bit me for sure.*²⁵

*I think when I fired the first round the dog was maybe five feet in front of me. And then I -- my second round was probably he was about three feet in front of me.*²⁶ *Body. The -- or the head. Head, body because he was coming right in front of me.*²⁷

The UOFRB conducted a thorough review in evaluating the circumstances and evidence related to this OIS. The UOFRB noted that Officer Magana had attempted to redeploy away from the dog; however, the dog closed the distance, presenting an immediate threat to Officer Magana. In response to the threat, Officer Magana discharged his service pistol twice and assessed between each shot.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Magana would believe the dog's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

Therefore, the Chief found Officer Magana's Use of Lethal Force to be In Policy, No Further Action.

Addition/Equipment

- **Body Worn Video** - The FID investigation determined that Officers Magana and DeLeon Guerrero did not activate their BWV while conducting their investigation in response to the radio call until after the OIS occurred.

The Office of Operations conducted a random inspection of BWVs associated with Officers Magana and DeLeon Guerrero from May 1, 2020 through May 31, 2020, for compliance with timely BWV activation of investigative or enforcement contacts with the public. The results of the inspection revealed that Officers Magana and DeLeon Guerrero had no deviations and were in compliance as required.

²² *Id.*, Page 23, Lines 6-9.

²³ *Id.*, Page 19, Line 21.

²⁴ *Id.*, Page 32, Lines 3-6.

²⁵ *Id.*, Page 38, Lines 19-20.

²⁶ *Id.*, Page 18, Lines 16-19.

²⁷ *Id.*, Page 18, Lines 24-25.

Additionally, Sergeant Cohen's BWV did not have a full two-minute buffer.

The Office of Operations conducted a random inspection of BWVs associated with Sergeant Cohen from January 1, 2020 through January 31, 2020, for compliance with the full two-minute pre-activation buffer. The results of the inspection revealed that Sergeant Cohen had no deviations and was in compliance as required.

Captain E. Tingirides, Serial No. 31546, Commanding Officer, Southeast Patrol Division, addressed these issues through informal counseling and training, which were documented on Employee Comment Sheets, and entered into TEAMS II with the initiation of Supervisory Action Items (SAI). The Commanding Officer of Operations - South Bureau (OSB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.

- **Protocols Subsequent to a Categorical Use of Force** – The FID investigation determined that Sergeant Linder notified the DOC approximately 48 minutes after the OIS.

The FID investigation revealed that Sergeant Linder's Watch Commander's Daily Report did not document the names of the supervisors who separated and monitored Officers Magana and DeLeon Guerrero.

According to the Southeast Area Command, Sergeant Linder has had no documented prior discrepancies of this nature and is a tenured Assistant Watch Commander; therefore, Captain Tingirides addressed these issues through informal counseling and training, which was documented on an Employee Comment Sheet, and entered into TEAMS II with the initiation of a SAI. The Commanding Officer of OSB and the Director of the OO concurred with this action. As such, the Chief deemed no further action is necessary.

Sergeant Cohen's BWV revealed that she solicited and ascertained details of the OIS from Officer Magana prior to obtaining his PSS.

According to the Southeast Area Command, Sergeant Cohen has had two prior discrepancies regarding the administration of the PSS at the scene of CUOF incidents, which led to the initiation of personnel complaints that were adjudicated as sustained. The BWV related to this incident was reviewed by Captain L. Paglialonga, Serial No. 30329, Commanding Officer, Southeast Area. Preliminary review indicated that this discrepancy did not appear too egregious or done with any nefarious intent. However, given Sergeant Cohen's history of multiple similar discrepancies, Captain Paglialonga has recommended that this issue be addressed through the initiation of a personnel complaint. The Commanding Officer of OSB and the Director of the OO concurred with this action. As such, the Chief deemed no further action is necessary.

Audio/Video Recordings

- **Digital In-Car Video System (DICVS)** – Officers Magana and DeLeon Guerrero's police vehicle was equipped with DICVS at the time of the incident. The DICVS did not capture the OIS, which occurred in the yard on the east side of the residence.
- **Body Worn Video (BWV)** – SOE Patrol Division officers were equipped with BWV at the time of the incident.

Officers Magana's BWV captured video but no audio of his approach to the scene, the dog charging at the officers, as well as the ensuing OIS.

Officer DeLeon Guerrero's BWV captured video but no audio of his approach to the scene and the aftermath of the OIS.

- **Outside Video** – The FID investigators located security video from 418 East Century Boulevard. The video captured Officers Magana and DeLeon Guerrero's arrival and encounter with the dog; however, it did not capture the OIS.

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INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment, beyond those already identified by the Chief.

Additional

- **Transportation of Critically Injured Animal**

The Chief wrote in his report under Additional Tactical Debrief Topics, Protocols Subsequent to a Categorical Use of Force, “The UOFRB noted that while Department personnel deviated from Department policy in the transportation of a wounded animal, the reverence for the dog’s life was commendable and the actions taken by the involved personnel to de-escalate the situation by doing so should be noted.”²⁸

Department policy states, however, “Under no circumstances should an employee transport a wounded animal.”²⁹ The OIG recommends that the Department review this aspect of its policy with the pertinent officers in this case.

Detention

- Does not apply.

Tactical De-escalation

- The OIG concurs with the Chief’s findings.

²⁸ Chief of Police Report, August 4, 2020, Page 13.

²⁹ LAPD Manual, Volume 4, Section 204.80, Animal Shootings.

BWV and DICVS Policy Compliance

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2- MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
38753	Officer Charlie Magana	No	Yes	No	N/A	N/A
43085	Officer John DeLeon Guerrero	No	Yes	No	N/A	N/A
38352	Sergeant Jennifer Cohen	Yes	No	Yes	N/A	N/A

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.

Drawing/Exhibiting

- The OIG concurs with the Chief's findings.

Lethal Use of Force

- The OIG concurs with the Chief's findings.



MARK P. SMITH
Inspector General